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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,874

07/07/2004

Serge Haumont

60091.00329

1172

32294

7590

06/18/2008

SQUIRE, SANDERS & DEMPSEY L.L.P.

8000 TOWERS CRESCENT DRIVE

14TH FLOOR

VIENNA, VA 22182-6212

EXAMINER

BRANDT, CHRISTOPHER M

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

06/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/500,874</p>	<p>Applicant(s) HAUMONT, SERGE</p>	
	<p>Examiner CHRISTOPHER M. BRANDT</p>	<p>Art Unit 2617</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,2 and 4-19.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

Continuation of 3 and 11. The claims are not in condition for allowance for the following reasons: With regards to applicant's argument that Stille fails to the limitation, "wherein the selecting a gateway node for the mobile station on the basis of the partner information comprises checking on the basis of the partner information whether a mobile station is in the home network, in a predefined partner network of the home network, or in a network outside them; selecting the gateway network node of the home network if the mobile station is in its home network; selecting the gateway network node of the home network if the mobile station is in a predefined partner network of the home network; and selecting the gateway network node of a visited network if the mobile station is outside its home network or predefined partner mobile networks of its home network," the examiner respectfully disagrees. First of all, taking the reasonable broadest interpretation, the claim only requires, "checking on the basis of the partner information whether a mobile station is in the home network, in a predefined partner network of the home network, or in a network outside them," (emphasis added). Therefore, if Stille satisfies one of these conditions, Stille rejects this limitation. Stille discloses this particular feature in paragraph 27 when Stille teaches that the IMSI provides information that specifies that the MT2 is not visiting (i.e. in a predefined partner network), and the SGSN then has accessed information about which operator the MT2 is subscribed to and which home network the MT2 shall use. Second of all, Stille further discloses in paragraph 28 that if, however, an MT4 that is subscribed to an operator that is not one of the owners of the shared network (i.e. in a network outside them), the SGSN contacts a HLR of that MTs home network and uses the IMSI to find out that the MT4 is a visiting MT. It is further noted that in a conventional cellular network, one of the first procedures taken is determining the identity of the mobile station in order to properly provide service. Therefore, if it is determined that the mobile station is in its home network, the conventional cellular network proceeds as normal. Second of all, the claims are written such that if the examiner finds the first condition, (i.e. selecting the gateway network node of the home network if the mobile station is in a predefined partner network of the home network), the claim is properly rejected since the claim contains if statements. In other words, if the first condition is met, the procedure ends. Stille discloses this feature / condition in paragraph 30 when Stille teaches that two of the MTs: 2, 3 are subscribed to operator A and operator B, respectively. The HLR:s 10, 11 are contacted and inform the SGSN 9 that the subscribers may use the APS:s 12, 13 that are chosen. Therefore, Stille discloses the limitation, "selecting the gateway network node of the home network if the mobile station is in a predefined partner network of the home network." As a result, the claims are written such that they read upon the cited reference.

Chris Brandt
Art Unit 2617
06/10/2008